## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	) )
Plaintiff,	) ) ) 3:08-cr-00092-RCJ-VPC-
vs.	)
ROBERT LEEE MITCHELL, JR.,	ORDER
Defendant.	)
	/

The Hon. Edward C. Reed, Jr. of this District sentenced Defendant Robert Mitchell to fifty-one months imprisonment, to be followed by three years of supervised release, pursuant to Defendant's plea of guilty to one count of Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g)(1), 924(a)(2). (*See* J., Aug. 26, 2009, ECF No. 36). Defendant, having served one year of his three-year supervised release term, is statutorily eligible for early termination of supervised release. See 18 U.S.C. § 3583(e). However, the Court has broad discretion in applying the statute, and mere compliance with the terms of supervised release is not enough inand-of-itself to justify early termination. *See, e.g., Folks v. United States*, 733 F. Supp. 2d 649, 651–52 (M.D.N.C. 2010). Defendant has alleged passing his drug tests so far, submitting a DNA sample, paying his \$100 mandatory penalty assessment, maintaining employment, and not

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otherwise committing any "known" violations of the terms of his release. Defendant's terms of

supervised release require all of this. (See J. 3–4).

The Court finds that the conduct of Defendant does not warrant early termination of

supervised release. Defendant has claimed no more than having complied with the terms of

supervised release. The Court finds no reason to second-guess the sentencing judge's reasoned

estimation that Defendant requires three years of compliance with the terms of supervised release

to ensure his rehabilitation. The Court lauds Defendant for his compliance with the terms of his

supervised release thus far, but that much is expected of him. It is not a circumstance tending to

prove that a lesser period of supervision is required than that determined by the sentencing judge.

The interests of justice are best served by ensuring Defendant complies with the terms of his

supervised release for the length of time the sentencing judge estimated was necessary to ensure

his rehabilitation.

CONCLUSION

IT IS HEREBY ORDERED that the Motion to Terminate Supervised Release (ECF No.

41) is DENIED.

IT IS SO ORDERED.

Dated this 25th day of March, 2015.

ROBERT C. JONES

United States District Judge

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